

REMARKS

Applicants reply to the Office Action mailed on August 12, 2010, within three months. Claims 1-7, 14-15, 19-22, 27-29 and 31-32 (6 independent, 18 total) remain pending in the application. Applicants amend various claims and support for the amendments may be found in the originally-filed specification, claims, and figures, such as for example, paragraph 40. No new matter is introduced by the amendments. Reconsideration of this application is respectfully requested.

§103 Rejections

The Examiner rejects claims 1-4, 14, 19, 20, 27 and 29 under 35 U.S.C. §103(a) as being unpatentable over Barron, U.S. Patent No. 6,665,709 (“Barron”) in view of Adduci, Jr. et al., U.S. Patent No. 7,343,334 (“Adduci”), in view of Novoa et al., U.S. Patent No. 6,636,973 (“Novoa”), in view of Wilson, U.S. Publication No. 2001/0054101 (“Wilson”) and further in view of McKeeth, U.S. Patent No. 6,766,456. Furthermore, the Examiner rejects claims 5-7, 15, 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over Barron, Adduci, Novoa, Wilson, McKeeth and further in view of Meffert et al., U.S. Pub. No. 2002/0059144 (“Meffert”). In addition, the Examiner rejects claims 28 and 32 under 35 U.S.C. §103(a) as being unpatentable over Barron, Adduci, Novoa, Wilson and McKeeth in further view of Caronni et al., U.S. Patent No. 7,336,790 (“Caronni”). Furthermore, the Examiner rejects claim 31 under 35 U.S.C. §103(a) as being unpatentable over Barron, Adduci, Novoa, Wilson, and McKeeth and further in view of Boebert et al., U.S. Patent No. 6,772,332 (“Boebert”). Applicants respectfully disagree with the Examiner’s rejection. However, to expedite prosecution, Applicants amend independent claims 1, 5, 14, 15, 19 and 21 and request this rejection be withdrawn.

Barron discloses logging-in for secure data transfer using “either user name and password or a biometric interface” (col. 5, ln. 9-11). “Upon a successful login, a transfer request is sent to the control program on the server to open a transfer information page inquire page” (col. 5, ln. 15-18). Barron discloses using different methods of authentication to access the same restricted service, as illustrated by Figures 1 and 3. However, Barron does not disclose selecting a method of authentication to assign to a restricted service.

Adduci discloses two security levels of information, with separate passwords to access each level. Additionally, with respect to unsuccessful authentication attempts, Adduci discloses

that “[i]n step S28, the security manager 28 denies access to the user. The security manager 28 may treat the denial of access according to several alternative procedures. Under one procedure, users are able to re-attempt access to the module for an unlimited number of times. Under another procedure, if the security manager 28 has denied access to the same user during a predefined duration and if the failed access attempts exceed a minimum threshold, the security manager 28 logs the information on the failed attempts as an additional security measure.” (col. 17, ln. 32-41). In other words, Adduci discloses repeating a password log-on until successful or failing to log-on if unsuccessful. Adduci nor Baron disclose switching to an alternate means of authentication, based on a user request, in response to an unsuccessful authentication attempt. None of the other cited references account for this lack of disclosure.

Thus, the cited references do not disclose or contemplate **“allowing, by the microprocessor and from the user via the communication network, a change to at least one of the first authentication method or the second authentication method without accessing the first restricted service or the second restricted service, respectively, to a third authentication method, from the plurality of methods of authentication,”** as recited in independent claim 1 (emphasis added) and as similarly recited by independent claims 5, 14, 15, 19 and 21.

For at least these reasons, Applicants respectfully submit that none of the cited references, alone or in combination, disclose or contemplate all of the elements of independent claims 1, 5, 14, 15, 19 and 21, and Applicants therefore respectfully submit that independent claims 1, 5, 14, 15, 19 and 21 are allowable over the cited references.

Dependent claims 2-4, 6-7, 20, 22, 27-29 and 31-32 variously depend from independent claims 1, 5, 14, 15, 19 and 21, so dependent claims 2-4, 6-7, 20, 22, 27-29 and 31-32 are allowable over the cited references for the reasons set forth above, in addition to their own unique features, some of which are stated above.

Furthermore, the Examiner rejects claim 27 in the same rejection portion as claims 1, 14, and 19, which are the independent claims (Office Action, p. 2). In the subsequent rejection, the Examiner makes statements regarding a first method of authentication and a second method of authentication. However, ***the rejections never address the scope of claim 27***, namely a selection of a third method of authentication for access to the second restricted service. Currently, minor claim amendments have been made to claim 27 in order to account for amendments to claim 1.


However, the scope of claim 27 is substantially the same as previously presented. Applicants respectfully request that the Examiner either provide a rejection specifically addressing the elements of claim 27 or allow claim 27.

When a phrase similar to "at least one of A, B, or C" or "at least one of A, B, and C" is used in the claims or specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the currently pending claims (6 independent, 18 total) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, please contact Applicants' counsel at 602-382-6306. Applicants authorize and respectfully request that any fees due (including extension fees) be charged to Deposit Account No. 19-2814. **This statement does NOT authorize the payment of the issue fee.**

Respectfully submitted,

Dated: Nov 10, 2010


Adam J. Stegge
Reg. No. 63,297

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004-2202
Phone: 602-382-6306
Fax: 602-382-6070
E-mail: astegge@swlaw.com